IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT APPEAL No.1012 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21-04-2005 in W.P.No. 8652 OF 2005 on the file of the High Court.)

Between:

Soma Nagalaxmi, W/o. Venkatesam,
H.No. 3-29, Subhasnagar, Kalwakurthy, Mahaboobnagar District.

..... APPELLANT

AND

1. The Indian Oil Corporation Ltd., 3-6-436 to 438,

2nd floor, Naspur House, Himayatnagar,
Hyderabad rep. by its Chief Divisional Retail Sales Manager.
2. The Director General, Resettlement, Ministry of Defence, West Block

No. 4, R.K. Puram, New Delhi.

.....RESPONDENTS

Counsel for the Appellant: Mr.A.SUDERSHAN REDDY

Counsel for Respondent No.1: Mr.P.V.SANJAY KUMAR

Counsel for Respondent No.2: Mr. A.RAJASHEKAR REDDY,

ASST.SOLICITOR GENERAL

The Court made the following :

ORAL JUDGMENT: (per Hon'ble Sri Bilal Nazki, Acting Chief Justice)

Heard the learned counsel for the parties.

The writ petitioner challenged the action of respondent No.1 in not allotting her the petrol pump. She claimed allotment of petrol pump on the ground that she is a widow of an Army man. The application was rejected on the ground that she had not produced a certificate from respondent No.2, Director General of Resettlement.

It is contended by the learned counsel for respondent No.1 that a certificate has to be produced from the Director General of Re-settlement sponsoring the candidate for the dealership/distributorship, and this certificate of eligibility is a condition precedent for allotment of a pump in Defence category. Admittedly, no such certificate was produced by the petitioner. His case is that for each application, an eligibility certificate has to be obtained from the Director General of Re-settlement. But the petitioner had applied for the certificate only after six months after the advertisement was issued. In such circumstances, no fault can be attributed either to respondent No.1 or to respondent No.2. The petrol pump has not been allotted and has been re-advertised and the petitioner has again applied, but she is not still in the possession of an eligibility certificate. Therefore, learned single Judge was right in directing respondent No.2 to consider the application of the petitioner and pass appropriate orders within prescribed period of time. We do not find any ground to interfere in the matter. The writ appeal is misconceived, and accordingly dismissed.

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(BILAL NAZKI, ACJ)

8th June 2005.

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(G.CHANDRAIAH, J.)

ARS

To

1. The Chief Divisional Retail Sales Manager, Indian Oil Corporation Ltd.,

3-6-436 to 438, 2nd floor, Naspur House, Himayatnagar,
Hyderabad.

2. The Director General, Resettlement, Ministry of Defence, West Block

No. 4, R.K. Puram, New Delhi.

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